

Response Options

PT-308.1 DEFINITIONS

- Accessible – firearm or less-lethal tool is on scene, but not immediately available (e.g. the tool is secured in a patrol car).
- Available – the firearm or less-lethal tool is on hand and ready for immediate use.
- Cover Fire – intentional discharge of a firearm directed at a “specific target” or “threat area” (cognizant of background), utilized to stop or prevent deadly behavior caused by a subject, when officers must enter an exposed area to gain a tactical advantage or effect a rescue/recovery, by making the suspect seek cover. This utilization of a firearm must not place innocent third party at unreasonable risk of death or serious physical injury.
- Deadly Force – any tactic or use of force that has a substantial risk of causing death or serious physical injury, such as the use of a firearm or striking a suspect with a vehicle.
- Deployment – to station or place, in accordance with a plan, a firearm or less-lethal tool for immediate application or discharge.
- Excessive Force – that force which is not objectively reasonable under the circumstance presented for a given situation.
- Less-lethal Force – tactic that when properly applied has minimal risk of causing death or serious injury and is designed to stop aggression or aid in establishing control of a situation.
- Obtainable – firearm or less-lethal tool within the department's inventory, but not on scene and not accessible or immediately available.
- Police Action – any circumstances, on or off duty, during which an employee exercises or attempts to exercise official authority.
- Police Services Officer – uniformed employee that is given authority to assist the department in its' mission. These employees do not have the authority, beyond that of a normal citizen or authorization to make arrests and are not permitted to be armed with a firearm.
- Reasonable Belief – when the facts and circumstances cause a reasonable and prudent law enforcement officer to act or think in a similar way under the circumstances. [Graham v Connor, 490 U.S. 386 (1989)]
- Resistance – actions and behaviors of subjects used to avoid arrest or detention or used against the officer in an assault. Types of resistance:
 - Psychological intimidation – non-verbal cues indicating subject's unwillingness or threats through attitude, appearance, and physical readiness.
 - Verbal non-compliance – verbal responses indicating unwillingness or threats.
 - Passive resistance – physical actions that do not prevent officer's attempt to control.

- Defensive resistance – physical actions that attempt to prevent officer's control, but do not involve attempts to harm the officer. Based on this definition, solely running from officers does not constitute defensive resistance.
 - Active aggression – physical actions of assault.
 - Aggravated active aggression – deadly force encounter.
- Response Option - control techniques, less-lethal weapons or tactics, and firearms authorized for use by the Peoria Police Department for its employees to use to counter, control or stop a subject.
- Types of Response Options – the option used is determined by the totality of the circumstances. (AZPOST Defensive Tactics Manual)
- Officer presence – identification of authority.
- Verbal direction – commands of direction or arrest.
- Soft empty hand control and restraining devices – techniques that have a minimal chance of injury.
- Restraining devices – handcuffs, Ripp restraint, ankle cuffs, wolf strap: (transport use only)
 - Control holds and pressure point
 - Chemical weapons – OC, CN, and CS
 - M26 and X26 Advanced Taser – electronic control device
- Intermediate control techniques – techniques that have a probability of injury:
 - Hard empty hand control
 - Impact weapons
 - Pepperball (available to SAU)
 - Stun-bag shotgun
 - Canine application
 - Deadly force- refer to PT-300
- Serious Physical Injury – a bodily injury that creates a substantial risk of death, may cause serious and permanent disfigurement, protracted impairment of health, or results in long term loss or impairment of the functioning of any bodily limb or organ. (ARS 13-105.34)
- Tactics - shall be defined as the strategies, equipment, procedures, resources and techniques employed by supervisors and their officers during an incident reducing risk to themselves and others achieving a satisfactory resolution of the event.

PT-308.2 TYPES OF RESPONSE OPTIONS

- **Presence** - is established through identification of authority. This identification should be established by verbal identification when appropriate. The presence of a canine at a scene falls under this parameter.

- **Verbal persuasion**, negotiation or command instruction or direction from an officer or police services officer (PSO) in the form of verbal statements or commands.
- **Soft Empty Hand Techniques and restraining devices** – these techniques have a minimal chance of injury; control and restraint techniques include, but are not limited to:
 - Wrist locks
 - Joint locks
 - Pressure points
 - Handcuffing (metal, plastic, or soft restraint devices)
- **Restraining devices** (Ripp restraint, ankle cuffs, wolf strap (transport use only). Other than to initially establish control with a restraint device, suspects will not be restrained with their legs behind their back (hog-tying).
- **Chemical agents** - the use of chemical agents is considered a less-lethal tactic.
*Oleoresin Capsicum spray (Mark-9 and Mark-46 are included), Chlorobenzylidenemalononitrile (CS), and Chloroacetophenone (CN).
- **Oleoresin Capsicum (OC) spray** (CTS MK-30 OC and combined tactical systems) may be used when reasonable and justified in the following situations:
 - To prevent the possibility of injury to an officer or another person
 - To ward off threatening dogs or other animals
 - In tactical building entries such as search warrants
 - To subdue a person/s who is: (not limited to these options)
 - Threatening or attempting physical harm to themselves or another.
 - Resisting an arrest
 - Rioting
 - Interfering with an arrest

PT-308.3 DIRECTIONS FOR USE

OC Spray

Employees using OC spray will direct a one-second burst into the face of the suspect, effective range is normally 12-15 feet.

An additional one-second burst may be used if the first does not appear to be effective.

If 2 bursts of OC spray have been used without the desired effect, employees will transition to another appropriate force option.

Generally officers should avoid using within 2 feet of suspect, soft tissue damage to the eye could occur.

The suspect should then be immediately handcuffed and moved to a well-ventilated area; medical help will be requested. (1.3.5)

Employees will not unnecessarily display or handle any Oleoresin Capsicum (OC) Employees that have been issued OC spray will have it accessible for use

Employees will not leave pressurized OC canisters of any type in the trunk of a vehicle due to the extreme heat that can be reached.

Oleoresin Capsicum spray, Mark-9 (MK-9) canister

Authorized personnel:

- Supervisor - supervisors may direct an officer to deploy the MK-9 canister when reasonable to do so.
- Officers of Special Assignment Unit (SAU)
- Canine officers
- Officers working special details and that have been trained on its use.

Directions for use:

- Employees using the OC spray, MK-9 canister will direct a one-second burst into the face of the suspect from a minimum distance of 15 feet is normally 20-25 feet. Employees using the OC spray, MK-9 canister in a riot control situation should direct the spray face level, from a minimum distance of 15 feet, into the crowd.

Impact weapons (1.3.4)

Impact weapon strikes may be used when facing the active aggression level of resistance or aggravated active aggression.

Passive resistance or resistance such as a prisoner's refusal to enter a police vehicle or holding room, to let go of a railing, etc., is not sufficient in itself to justify the use of impact weapon strikes.

When the use of the impact weapon is warranted, officers will utilize it in accordance with training protocols.

Jail personnel will be advised; the use of force option will be noted on the booking slip.

Stun-bag shotguns and Sage SL-6 (SAU) (1.3.4)

Stun-bag shotguns and Sage SL-6s (SAU) may be used in situations where distance is necessary to maintain officer safety and the use of impact weapons is a reasonable use of force (i.e., subduing a person who is threatening or attempting physical harm to himself or another).

Stun-bag rounds shall not be fired through mediums such as glass or chain link fences because the bag might tear and lead shot might be released.

The affected bureau/duty commander will be immediately notified of all incidents involving the use of a stun-bag shotgun or Sage SL-6 (SAU).

Optimal ranges for the stun-bag shotgun are between 5 and 20 yards. If possible, officers should consider other force options at less than 5 yards.

Officers should anticipate firing follow-up shots if the prior shot missed or was not effective.

Primary target areas:

- Arms below the elbow
- Lower abdomen
- Buttocks
- Legs

Secondary target areas:

- Arms above the elbow
- Back, excluding spinal cord area from base of skull to tailbone
- Knees

Non-target Areas unless dealing with a deadly force attack:

- Head
- Spine
- Neck

NOTE: Shots to non-target areas can result in fatal or serious injury.

PT-308.4 POST-USE CARE

Water can be used to flush the eyes without rubbing.

The Peoria Fire Department will be called to the scene. (1.3.5)

Suspects should recover within 45 minutes; however, intense sensation of skin burning may persist for 30 to 90 minutes after exposure.

Salve or ointments shall not be used on affected areas.

When possible, care will be provided to all subjects that chemical agents are used on.

Suspects sprayed with OC will not be left unattended.

Employees will continue to provide post-use care to the suspect until the suspect has recovered from the effect of the spray.

Employees will not lay suspects on their stomach.

PT-308.5 RESPONSE OPTIONS TRAINING

Sworn employees - all uniformed employees will be trained in the use of OC spray.

Sworn plainclothes employees - all plainclothes employees will be trained in the use of OC spray.

Undercover operations - carrying OC spray is optional for sworn employees assigned to undercover operations.

Civilian employees - civilian employees authorized to carry OC spray will be trained in the use of OC spray and will comply with the guidelines in this policy. (1.3.11.b)

Department training records will reflect which impact weapon/s an employee has elected to carry and the date required basic and proficiency training was completed.

- **Stun-bag shotguns and Sage SL-6 (SWAT only)** - all sworn employees below the Lieutenant rank, assigned to patrol, will be trained in the use of the stun-bag shotgun. Recertification will be conducted annually.
- **Chemical agents** - all sworn employees below the Commander rank and PSO's will receive training regarding use of OC spray every 2 years.
- **Taser M26/X26** - all certified officers and civilians permitted to deploy a Taser will receive training on the Taser annually.
- **Weaponless defense techniques** - All sworn officers and PSO's will receive training on the weaponless control techniques approved by the department every 2 years. (1.3.11.b)

PT-308.6 TACTICAL REVIEW COMMITTEE

The Tactical Review Committee (TRC) provides an internal administrative process to examine tactical situations relating to police operations for the purpose of learning from incidents and the development of patrol supervisors and sworn personnel.

The Tactical Review Committee will not investigate misconduct or impose discipline, as these functions are provided for in other Department processes. The TRC will only review incidents that have been reviewed by the Use of Force Committee and are not under administrative investigation. The TRC's focus is to make recommendations on training, policy, tactics and procedural issues. However, when a TRC inquiry uncovers evidence of possible misconduct not previously known to the Department, that evidence will be subject to further investigation by the appropriate entity, consistent with existing Department policy.

The Committee's scope may include:

- Reviewing incidents for the potential need for changes in policies, procedures, tactics or training;
- Reviewing whether Peoria Police practices conform to nationally recognized/accepted practices;
- Reviewing management planning, actions and decision making prior to and during the incident for discussion during briefing training;
- Reviewing and recommending new less-lethal equipment options;
- Reviewing Peoria, local and national tactical events providing written analysis and guidelines/direction to the Personnel and Training Section for the purpose of scenario development.

Committee Protocols

Members: The Committee will be comprised of a minimum of six members. After selection by the Deputy Chief, all members will be approved by the Chief of Police. The Committee may be expanded if necessary at the direction of the Chief of Police. The TRC will consist of:

- A Commander (serving as Chairperson)
- A Lieutenant
- A Non-Patrol Sergeant
- A Patrol Sergeant
- A Tactical Sergeant
- A Personnel and Training Section Representative

Officers and supervisors whose conduct or decisions are under review will be requested to answer tactical questions presented by the Committee.

Department Experts: The executive staff will consult experts for circumstances of unfamiliar events being examined. All members of the Department are eligible for the Department Expert positions.

Involved Officer(s): The TRC will rely on all available information and evidence existing at the time it convenes to review an incident. The TRC may request that officers involved in the incident attend a TRC hearing and answer questions. If an individual officer appears before the TRC, all Garrity rules and protections will apply during his/her appearance.

Additional Participants/Consultation:

- If an involved officer is asked to appear before the TRC, his/her supervisor and chain of command may be present to observe but will not be participants.
- Advisory witnesses may be called as determined by the Committee Chair.
- Any additional persons may be present at the discretion of the Chief of Police.
- The Committee Chair may solicit additional consultation from outside the Department with approval of or direction from the Chief of Police.

Tactical Review Committee Process:

- Case Selection: The Committee Chair will determine which incidents the Committee will review after submittal by any Department member after consultation with Executive Staff.
- Procedure: The Committee is authorized to take all appropriate steps in the review of incidents, under the authority of the Chief of Police.
- The Committee will convene every other month.
- The Chairperson will coordinate and facilitate the meeting and provide administrative oversight for the entire process.

- The Committee shall review all reports, photographs, videotapes, statements and other documents relating to the incident.
- Committee Decisions: The findings and recommendations of the Committee will be provided in writing to the Chief. The final determination will include:
 - Whether the actions taken in the incident were in compliance with Department policy and training, and if the policy and training were sufficient and proper.
 - Whether the actions/directions given by the supervisor/s were sufficient to resolve the immediate situation.
 - The thought process behind the actions/directions of the supervisor/s involved.
 - Providing the supervisor/s involved in the situation with the proper template to solve the situation.
 - Recommend development of briefing and/or modular training from the incident.
- Recording: No actions during a Tactical Review Committee will be recorded.
- Confidentiality: All records and actions of the Committee are to be considered confidential and will not be disclosed to anyone without permission of the Chief of Police. This confidentiality will extend to everyone involved in the proceedings.
- The Chief of Police may release all or portions of the Committee's recommendations when the Chief determines that the release of such information is in the best interest of the Department. If the final report of the TRC includes Garrity statements by an individual member, those statements will not be released.
- Conflict of Interest: Should any Committee member be found to have a conflict of interest, the member will be excused and the Committee Chair will recommend a replacement to Executive Staff. The Chief of Police will have final approval of the replacement.